GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:1554
ANSWERED ON:07.08.2006
WITHDRAWAL OF CRIMINAL CASES
Murmu Shri Hemlal

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the Union Government has recently decided to withdraw criminal cases filed under sections 84 and 85 of the ESI Act, 1948; and

(b) if so, the details and reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF LABOUR & EMPLOYMENT (SHRI CHANDRA SEKHAR SAHU)

(a) & (b): The Employees State Insurance Corporation has decided to offer an Amnesty Scheme for a period of 6 months from 01.08.2006 to 31.01.2007 for withdrawal of prosecution cases filed under Section 84 & 85 of ESI Act, 1948 on fulfilling the conditions i.e.

(A) Withdrawal of the cases filed against the Insured Persons under Section 84 of ESI Act for giving wrong declaration resulting in excess payment to him/her on

(i) refunding to the Corporation entire amount paid in excess to the Insured Persons and

(ii) giving an undertaking to the effect that he/she will not repeat wrong declaration in future.

(B) Withdrawal of prosecution cases filed against the employers under Section 85 of ESI Act on

(i) payment of entire dues for the period under prosecution in full and compliance in respect of other provisions of Section 85 of the ESI Act.

(ii) payment of the interest and damages for the period of default by the employers to the Corporation and

(iii) furnishing an undertaking to the Corporation to the effect that he/she would be regular in compliance with the provisions of the Act in future or else he/she will forfeit the right to avail of such amnesty scheme.

The Amnesty Scheme has been introduced to settle the cases pending in various Courts and realize the dues of the Corporation held in such court cases.